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3 **IN THE UNITED STATES DISTRICT COURT**
4 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
5 **SAN JOSE DIVISION**

6 Federal Trade Commission,
7
8 Plaintiff,
9 v.
10 Qualcomm Incorporated, a Delaware
11 Corporation,
12 Defendant.

Case No. 17-cv-220-LHK

**STIPULATION AND ~~[PROPOSED]~~
ORDER RE: CASE MANAGEMENT
CONFERENCE AND RELATED
DEADLINES IN THE RELATED
CLASS CASES**

13 **This Document Relates Only To:**
14 **ALL RELATED CLASS CASES**
15 **FILED IN LOW-NUMBERED CASE FOR**
16 **DOCKETING PURPOSES ONLY**

5:17-cv-00234-LHK
5:17-cv-00304-LHK
5:17-cv-00372-LHK
5:17-cv-00398-LHK
5:17-cv-00440-LHK
5:17-cv-00442-LHK
5:17-cv-00565-LHK
5:17-cv-00604-LHK
5:17-cv-00622-LHK
5:17-cv-00675-LHK
5:17-cv-00713-LHK
5:17-cv-00743-LHK
5:17-cv-00762-LHK
5:17-cv-00766-LHK
5:17-cv-00785-LHK
5:17-cv-00938-LHK
5:17-cv-01080-LHK
5:17-cv-01093-LHK
5:17-cv-01112-LHK
5:17-cv-01231-LHK
5:17-cv-01244-LHK
5:17-cv-01271-LHK
5:17-cv-01274-LHK

1 WHEREAS, the Court previously issued orders relating the above-captioned twenty-
 2 three actions (collectively, the “Related Actions”) pending in the Northern District of
 3 California against Defendant Qualcomm Incorporated (“Qualcomm”) to *FTC v. Qualcomm*
 4 *Inc.*, No. 17-cv-220 (N.D. Cal.);

5 WHEREAS, there is one recently-filed “tag-along” action pending in the Northern
 6 District of California (*Acosta v. Qualcomm, Inc.*, No. 17-cv-1591-NC), as well as nine “tag
 7 along” actions pending in the Southern District of California, currently proceeding on
 8 different case schedules;

9 WHEREAS, on January 26, 2017, plaintiffs in *Bornstein v. Qualcomm Inc.*, No. 17-
 10 cv-234-LHK (N.D. Cal.), filed with the Judicial Panel on Multidistrict Litigation (the “Panel”) a
 11 Motion to centralize the Related Actions in the Northern District of California pursuant to
 12 28 U.S.C. § 1407, captioned *In re: Qualcomm Patent Licensing Antitrust Litigation*, MDL
 13 No. 2773 (J.P.M.L.), which has been set for argument on March 30, 2017;

14 WHEREAS, a ruling from the Panel on the Motion to centralize may issue before the
 15 Case Management Conference (“CMC”) set by the Court for April 19, 2017, in the twenty-
 16 three Related Actions as well as *FTC v. Qualcomm Inc.*, No. 17-cv-220-LHK (N.D. Cal.);

17 WHEREAS, pursuant to Federal Rule of Civil Procedure 26(f), the Local Rules, and
 18 the Court’s Scheduling Order (*see, e.g., Bornstein, et. al. v. Qualcomm, Inc.*, No. 17-cv-234-
 19 LHK, ECF No. 4), Plaintiffs in the twenty-three Related Actions (“Plaintiffs”) and Qualcomm
 20 (collectively, the “Parties”) are required to file ADR Forms, and conduct a Rule 26(f)
 21 Conference, by Wednesday, March 29, 2016, as well as file a Joint CMC Statement and
 22 complete initial disclosures by Wednesday, April 12, 2017;

23 WHEREAS, there is no designated lead counsel or leadership structure among
 24 Plaintiffs’ counsel in the twenty-three Related Actions to coordinate the Rule 26(f)
 25 Conference, ADR consultation, or exchange of initial disclosures;

26 WHEREAS, the Plaintiffs in each of the twenty-three Related Actions and Qualcomm
 27 believe that a Rule 26(f) Conference is premature given the unsettled forum;

WHEREAS, with the Court's approval, the Parties previously stipulated to extend time for Qualcomm to respond to Plaintiffs' Complaints in the twenty-three Related Actions to allow the Panel sufficient time to rule on the Motion to centralize (*see, e.g., Bornstein, et. al. v. Qualcomm, Inc.*, No. 17-cv-234-LHK, ECF No. 29);

THEREFORE, to most efficiently manage proceedings in the twenty-three Related Actions, and to conserve the Parties' and the Court's resources without altering or affecting the Court's schedule or moving any hearing date, pursuant to the Northern District of California's Civil Local Rules 6-1, 6-2, and 7-12,

THE PARTIES STIPULATE as follows:

The Parties propose, subject to the Court's approval, to defer the Rule 26(f) Conference, Joint CMC Statement, ADR Form filings, and initial disclosures to a later date, to be set by the Court at the April 19, 2017 CMC hearing, while the Parties await a ruling from the Panel; provided however, that the Parties shall meet and confer and file a joint status conference statement by April 12, 2017, that includes (1) an update on the status of the Motion to centralize now pending before the Panel, and (2) any additional proposed subjects to be addressed at the April 19, 2017 CMC hearing.

This Stipulation shall not alter any other deadline or hearing date set by the Court.

SO STIPULATED.

Dated: March 29, 2017

By:

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 No. 17-cv-743 (N.D. Cal.)

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 No. 17-cv-762 (N.D. Cal.)

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 No. 17-cv-1080 (N.D. Cal.)

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 No. 17-cv-1093 (N.D. Cal.)

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 No. 17-cv-1112 (N.D. Cal.)

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 No. 17-cv-1231 (N.D. Cal.)

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 No. 17-cv-1244 (N.D. Cal.)

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 No. 17-cv-1271 (N.D. Cal.)

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 No. 17-cv-1274 (N.D. Cal.)

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FILER'S ATTESTATION

I, Samantha Stein, am the ECF User whose ID and password are being used to file this Stipulation and [Proposed] Order. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that counsel whose e-signature appears above has concurred with this filing.

/s/ Samantha Stein
Samantha Stein

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~~PROPOSED~~ ORDER

Having considered the Parties' Stipulation, as well as the papers and pleadings on file in this litigation, the Court GRANTS the Stipulation as stated above.

IT IS SO ORDERED.

Dated: March 30, 2017



HON. LUCY KOH
UNITED STATES DISTRICT JUDGE